UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CONNECTICUT LIGHT & POWER COMPANY Employer

And Case 01-RC-112451

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCALS 420 AND 457 Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

Dated, Washington, D.C., December 5, 2013

1 337

We agree with the Regional Director that the Employer did not establish that the Circuit Owners are managerial employees based on their authority to commit up to \$10,000 of the Employer's funds, without higher approval, to correct problems on electrical circuits. Their spending discretion is exercised within the confines of the Employer's policy to ensure the reliable provision of electrical power to its customers and does not involve "formulat[ing] and effectuat[ing] management policies by expressing and making operative decisions of the employer." *Bell Aerospace*, 416 U.S. 267, 286 (1974); see also *International Transportation Service*, 344 NLRB 279, 286 (2005), enf. denied on other grounds, 449 F.3d 160, 163 (D.C. Cir. 2006); *The Washington Post Co.*, 254 NLRB 168, 189 (1981).

Nor do we find the Circuit Owners to be managerial employees because of their occasional replacement of absent zone managers in weekly meetings of the Employer's Operating Company Review Committee, (OCRC). This Committee considers, from an engineering perspective, and votes on proposals for expenditures for circuit improvements exceeding \$50,000, a fact the RD found, but failed to address. Although that figure is significant, the Circuit Owners' participation on the OCRC is far too infrequent to convert them into managerial employees. A Senior Circuit Owner testified that in his 15-year tenure, no Circuit Owner in his district had ever substituted on the OCRC; one Circuit Owner testified that he fills in for his zone manager twice a year. The Employer's own evidence confirmed the sporadic nature of the Circuit Owners' participation: there are only about six individual zone manager absences in any year. Incidental or sporadic performance of such duties normally weighs against their exclusion from the Act's coverage. See *Cooperativa De Credito Y Ahorro Vegabajena*, 261 NLRB 1098, 1098-1099 (1982); *Oregon State Employees Assn.*, 242 NLRB 976, 977 (1979); *C. Markus Hardware, Inc.*, 243 NLRB 903, 906 fn. 12 (1979); *NLRB v. Dunkirk Motor Inn, Inc.*, 524 F.2d 663, 666 (2d Cir.1975).